

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** Chairman Ron Stoker, on March 11, 2009 at 8:04  
A.M., in Room 137 Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Ron Stoker, Chairman (R)  
Rep. Deborah Kottel, Vice Chairman (D)  
Rep. Ken Peterson, Vice Chairman (R)  
Rep. Arlene Becker (D)  
Rep. Gerald Bennett (R)  
Rep. Anders Blewett (D)  
Rep. Bob Ebinger (D)  
Rep. David Howard (R)  
Rep. Krayton Kerns (R)  
Rep. Margaret MacDonald (D)  
Rep. Edith (Edie) McClafferty (D)  
Rep. Mike Menahan (D)  
Rep. Michael More (R)  
Rep. Keith Regier (R)  
Rep. Bob Wagner (R)  
Rep. Wendy Warburton (R)

**Members Excused:** Rep. Diane Sands (D)

**Members Absent:** Rep. Robyn Driscoll (D)

**Staff Present:** Jennifer Eck, Committee Secretary  
David Niss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 382, 3/5/2009; SB 374, 3/5/2009;  
SB 381, 3/5/2009

Executive Action: SB 209, SB 250, SB 323

**HEARING ON SB 381**

**Opening Statement by Sponsor:**

00:01:51 Sen. Jim Shockley (R), SD 45, opened the hearing on SB 381, Direct department of justice to enter MOU on enforcement of alien laws.

**Proponents' Testimony:**

00:05:47 Paul Nachman  
00:11:13 Kelly Wood  
00:24:00 Rep. Driscoll joined the meeting.  
00:24:06 Gilda Clancy, Montana Eagle Forum  
00:25:28 Gene Williams  
00:27:15 Harris Himes  
00:27:44 Daniel Cox

**Opponents' Testimony:**

00:28:17 Shahid Haque-Hausrath  
00:39:08 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

**EXHIBIT(juh54a01)**

00:42:27 Rep. Mary Caferro, HD 80, Helena; Montana Democratic Women's Caucus

**EXHIBIT(juh54a02)**

00:43:58 Jaimee Greer, Montana Human Rights Network  
00:46:19 Niki Zupanic, American Civil Liberties Union of Montana

**Informational Testimony:**

00:50:36 Mike Tooley, Colonel, Montana Highway Patrol

**Questions from Committee Members and Responses:**

00:54:24 Rep. MacDonald  
00:54:40 Mr. Wood  
00:54:42 Rep. MacDonald  
00:55:01 Mr. Wood  
00:55:05 Rep. MacDonald  
00:55:09 Mr. Wood  
00:55:18 Rep. MacDonald  
00:55:20 Mr. Wood  
00:55:22 Rep. MacDonald  
00:55:25 Rep. Regier  
00:56:01 Mr. Tooley  
00:56:44 Chairman Stoker  
00:56:47 Rep. More

00:56:59 Mr. Haque-Hausrath  
00:57:00 Rep. More  
00:57:09 Mr. Haque-Hausrath  
00:57:11 Rep. More  
00:57:24 Mr. Haque-Hausrath  
00:59:09 Rep. More  
00:59:19 Mr. Haque-Hausrath  
00:59:40 Rep. More  
00:59:46 Rep. Bennett  
00:59:57 Mr. Haque-Hausrath  
01:00:07 Rep. Bennett  
01:00:22 Mr. Haque-Hausrath  
01:00:42 Rep. Bennett  
01:00:48 Rep. Regier  
01:00:56 Mr. Haque-Hausrath  
01:01:11 Rep. Wagner  
01:02:59 Mr. Haque-Hausrath  
01:06:14 Rep. Wagner  
01:06:58 Mr. Haque-Hausrath  
01:08:19 Chairman Stoker  
01:08:27 Rep. Wagner  
01:08:46 Chairman Stoker  
01:08:49 Rep. Wagner  
01:09:07 Chairman Stoker  
01:09:11 Mr. Haque-Hausrath  
01:09:23 Rep. Wagner  
01:09:29 Chairman Stoker  
01:09:32 Rep. Wagner  
01:09:35 Mr. Haque-Hausrath  
01:11:09 Rep. Wagner  
01:11:18 Rep. Peterson  
01:11:38 Mr. Haque-Hausrath  
01:11:52 Rep. Peterson  
01:11:59 Mr. Tooley  
01:12:02 Rep. Peterson  
01:12:35 Mr. Tooley  
01:12:52 Rep. Peterson  
01:13:33 Rep. Menahan  
01:13:57 Chairman Stoker  
01:14:00 Rep. Menahan  
01:14:06 Mr. Tooley  
01:15:00 Rep. Menahan  
01:15:22 Mr. Tooley  
01:15:51 Rep. Menahan  
01:16:31 Mr. Tooley  
01:17:08 Chairman Stoker  
01:17:10 Rep. Howard  
01:17:15 Mr. Tooley  
01:17:16 Rep. Howard  
01:17:41 Mr. Tooley

01:18:11 Rep. Howard  
01:18:25 Mr. Tooley  
01:18:41 Rep. Howard  
01:18:48 Rep. Wagner  
01:19:27 Mr. Tooley  
01:19:45 Chairman Stoker

**Closing by Sponsor:**

01:20:09 Sen. Shockley  
  
01:26:36 Chairman Stoker  
  
01:26:48 Recess  
01:41:10 Reconvene

**HEARING ON SB 382**

**Opening Statement by Sponsor:**

01:41:38 Sen. Jim Shockley (R), SD 45, opened the hearing on  
SB 382, Prohibit noncooperation practices concerning  
illegal aliens.

**Proponents' Testimony:**

01:44:41 Kelly Wood  
01:50:31 Paul Nachman  
01:53:51 Gene Williams  
01:55:54 Gilda Clancy, Montana Eagle Forum  
01:56:12 Harris Himes, pastor, Big Sky Christian Center  
01:57:04 Daniel Cox

**Opponents' Testimony:**

01:58:41 Shahid Haque-Hausrath  
02:07:50 Jaimee Greer, Montana Human Rights Network  
02:08:53 Niki Zupanic, American Civil Liberties Union of Montana  
02:12:03 Chairman Stoker

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:12:14 Rep. More  
02:12:26 Sen. Shockley  
02:12:28 Rep. More  
02:12:34 Sen. Shockley  
02:12:58 Rep. More

02:13:20 Sen. Shockley  
 02:13:27 Rep. More  
 02:14:43 Sen. Shockley  
 02:14:48 Chairman Stoker  
 02:14:54 Sen. Shockley  
 02:15:42 Chairman Stoker  
 02:15:45 Sen. Shockley  
 02:15:51 Rep. Wagner  
 02:16:10 Sen. Shockley  
 02:16:13 Chairman Stoker  
 02:16:16 Rep. Wagner  
 02:18:13 Mr. Haque-Hausrath  
 02:19:37 Rep. Wagner  
 02:20:15 Mr. Haque-Hausrath  
 02:20:54 Rep. Wagner  
 02:21:56 Mr. Haque-Hausrath  
 02:23:25 Rep. Wagner  
 02:24:20 Mr. Haque-Hausrath  
 02:24:51 Rep. Wagner

**Closing by Sponsor:**

02:25:01 Sen. Shockley  
 02:25:13 Chairman Stoker  
 02:25:14 Sen. Shockley  
 02:29:40 Chairman Stoker

**HEARING ON SB 374**

**Opening Statement by Sponsor:**

02:29:56 Sen. Gary Perry (R), SD 35, opened the hearing on  
 SB 374, Revise parental notification law.

**Proponents' Testimony:**

02:34:49 Greg Trude, Right to Life of Montana  
 02:37:45 Susan Gliko, Montana Catholic Conference; Rachel's  
 Hope

**EXHIBIT (juh54a03)**

02:41:57 B.J. Stumberg, pastor, Canyon Ferry Road  
 Baptist Church  
 02:46:03 Jeff Laszloffy, Montana Family Foundation  
 02:49:04 Dallas Erickson, Montana Citizens for Decency Through  
 the Law  
 02:49:29 Gilda Clancy, Montana Eagle Forum  
 02:50:14 Gene Williams  
 02:51:31 Rep. Gerald Bennett, HD 1, Libby  
 02:52:07 Daniel Cox

02:52:48 Harris Himes, pastor, Big Sky Christian Center

**Opponents' Testimony:**

02:54:07 Niki Zupanic, American Civil Liberties Union of Montana

03:02:36 Kelsen Young, Montana Coalition Against Domestic and  
Sexual Violence

**EXHIBIT(juh54a04)**

03:06:55 Stacy Anderson, Planned Parenthood of Montana

03:13:25 Angie Wagenhals, NARAL Pro-Choice Montana

03:15:59 Jaimee Greer, Montana Human Rights Network

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

03:16:37 Rep. Warburton

03:16:52 Ms. Zupanic

03:16:54 Rep. Warburton

03:17:09 Ms. Zupanic

03:17:52 Rep. Warburton

03:17:59 Ms. Zupanic

03:18:26 Rep. Warburton

03:18:38 Rep. More

03:18:50 Ms. Anderson

03:18:51 Rep. More

03:19:28 Ms. Anderson

03:20:35 Rep. More

03:20:45 Ms. Anderson

03:21:00 Rep. More

03:21:14 Rep. Warburton

03:21:53 Rep. Driscoll

03:22:00 Chairman Stoker

03:22:05 Rep. Warburton

03:22:12 Chairman Stoker

03:22:20 Rep. Warburton

03:22:40 Chairman Stoker

03:22:52 Ms. Gliko

**Closing by Sponsor:**

03:23:25 Sen. Perry

03:33:35 Chairman Stoker

**EXECUTIVE ACTION ON SB 209**

03:34:21 **Motion:** Rep. Peterson moved that **SB 209 BE CONCURRED  
IN.**

**Discussion:**

03:34:31 Chairman Stoker  
03:34:47 Rep. Blewett  
03:37:05 Chairman Stoker  
03:37:13 Rep. Peterson called the question.  
  
03:37:18 **Vote:** Motion carried unanimously by voice vote. Rep.  
Sands and Rep. Menahan voted by proxy.  
  
03:37:37 Chairman Stoker

**EXECUTIVE ACTION ON SB 250**

03:37:50 **Motion:** Rep. Peterson moved that **SB 250 BE CONCURRED  
IN.**

**Discussion:**

03:37:55 Chairman Stoker  
03:38:34 Rep. More  
03:39:19 Chairman Stoker  
03:39:22 Rep. Ebinger  
03:39:55 Chairman Stoker  
03:40:05 Rep. Ebinger  
03:40:08 Chairman Stoker  
03:40:14 Rep. Kottel  
03:41:49 Rep. Warburton  
03:42:39 Rep. Blewett  
03:43:22 Rep. Peterson called the question.  
  
03:43:32 **Vote:** Motion carried 15-3 by voice vote with Rep.  
More, Rep. Wagner, and Rep. Warburton voting no. Rep.  
Sands and Rep. Menahan voted by proxy.

**EXECUTIVE ACTION ON SB 323**

03:44:41 **Motion:** Rep. Peterson moved that **SB 323 BE CONCURRED  
IN.**

**Discussion:**

03:44:48 Chairman Stoker  
03:45:10 Rep. Kottel  
03:48:41 Chairman Stoker  
03:49:12 Rep. Kottel  
03:50:06 Rep. Howard  
03:50:33 Rep. Kottel

03:52:42 Rep. Wagner  
03:53:45 Rep. Kottel  
03:54:07 Rep. Warburton  
03:55:08 Rep. Kottel  
03:56:24 Rep. Warburton  
03:56:49 Rep. Kottel  
03:57:08 Chairman Stoker  
03:57:51 Rep. Kottel  
03:58:36 Rep. More  
03:59:07 Rep. Howard  
03:59:32 Rep. Kottel  
04:00:07 Rep. Regier  
04:00:30 Rep. Kottel  
04:01:04 Rep. Regier  
04:01:05 Rep. Kottel  
04:01:22 Chairman Stoker  
04:01:26 Rep. Kottel  
04:01:35 Rep. Regier  
04:01:52 Rep. Kottel  
04:02:34 Rep. MacDonald called the question.  
04:02:37 Rep. Peterson  
04:03:06 Chairman Stoker  
04:03:38 Rep. Peterson  
04:04:05 Rep. Blewett  
04:04:34 Rep. Kottel  
04:04:56 Rep. Blewett  
  
04:05:03 **Vote:** Motion carried 10-8 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. Wagner, Rep. Driscoll, Rep. Regier, Rep. Howard, and Rep. Warburton voting no. Rep. Sands voted by proxy.  
  
04:05:57 Chairman Stoker



**ADJOURNMENT**

04:06:10 Adjournment

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Jennifer Eck, Secretary

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Additional Exhibits:

**EXHIBIT(juh54a05)** Letter from Catherine Billie opposing SB 374

Additional Documents:

**EXHIBIT(juh54aad.pdf)**